

Subject: FOREIGN GIFTS AND DECORATIONS

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20-25-00 PURPOSE

To provide policy and procedures for the acceptance of gifts and decorations from foreign governments by HHS employers, including members of their families, as authorized by the Foreign Gifts and Decorations Act of 1966, **P.L.** 89-673, as amended by **p.L.** 95-105 (**5** USC 7342).

20-25-10 DEFINITIONS

As used in this chapter:

- A. The term "employee" includes every person who occupies an office or a position in the government of the United States, its territories and possessions: who is an expert or consultant under contract with the United States or any agency thereof: or who is the spouse or dependent of such person.
- B. The term "foreign government" includes every foreign government and every official, agent, or representative of such government: and any international or multinational organization whose membership is composed of any unit of foreign government.
- c. The term "gift" includes any tangible or intangible present, other than a decoration, tendered by or received from a foreign government.
- D. The term "decoration" includes any order, device, medal, badge, insignia, emblem, or award tendered by or received from a foreign government.
- E. The term "minimal value" means a retail value in the United States of \$200 or less.

20-25-20 RESPONSIBILITY AND POLICY

- A. Responsibility. The Office of International Affairs (**OIA**), OS, is responsible for ensuring that HHS employees are acquainted with the requirements of P.L. **95-105**, and for giving effect to this chapter and implementing the requirements of the law relating to the deposit of gifts and decorations for disposal and their retention for official use. OIA will also provide advice and assistance to employees on any question relating to the application or implementation of the policy and procedures outlined below.
- B. General Policy. No employee shall request or otherwise encourage the offer of a gift or decoration; nor shall they accept a gift or decoration, other than in accordance with the provisions below.
- C. Gifts of Minimal Value. With the exception of an education scholarship, medical treatment, or, under conditions stated below, travel or expenses for travel, an employee may not accept a gift or more than minimal value unless it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. If an employee accepts a tangible gift of more than minimal value, such a gift is deemed to have been accepted on behalf of the United States and, upon acceptance, becomes the property of the United States. The donee must deposit the gift with the Office of International Affairs, OS, within 60 days for:
(1) return to the donor; (2) official use within the Department; or (3) disposal as surplus property.
- E. Gifts of Travel or **Travel Expenses.**
1. An employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value, if in the employee's opinion such acceptance is appropriate, consistent with the interests of the United States, and is approved on a Form HHS-348 in accordance with the provisions of Chapter 1-70, Acceptance of Payment in Cash or Services in Kind to Cover Travel Expenses, HHS Travel Manual.
 2. Employees traveling on official duty may accept plane tickets on behalf of the U.S. Government for

travel originating and/or terminating in a U.S. city. HHS travel orders must reflect that payment of travel expenses, including per diem and similar expenses, by a foreign government or international organization is accepted by the traveler on behalf of the U.S. Government.

3. For private travel, **HHS** employees may accept gifts of travel or expenses for travel only when such travel takes place entirely outside the United States and is approved in accordance with paragraph 1 above. Article I, Section 9 of the Constitution of the United States prohibits **an** employee from receiving reimbursement directly from a foreign government **or** international organization without the consent of Congress.

- F. Decorations. Employees may accept, keep, and wear decorations tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the Assistant Secretary for Management and Budget. Without this approval, the **decoration** is considered to have been accepted on **behalf** of the United States, shall become the property of the United States, and shall **be** deposited by the employee, within 60 days of acceptance, with the Office of International Affairs, OS, for official use or disposal.
- G. Use or Disposal of Gifts and Decorations which Become the Property of the United States. Any gift or decoration that becomes the property of the United States under the provisions of this-chapter may be kept for official use by the Department of Health and Human Services. The decision whether or not to keep gifts and decorations for official use will be made by the Assistant Secretary for Management and Budget. With respect to gifts and decorations not so retained, the Office of International Affairs will either (1) return them to the donor, or (2) forward them to the Administrator of General Services.
- H. Civil Actions Against Employees. The Attorney General may bring a civil action against any employee: **(1)** who knowingly solicits or accepts a gift from a foreign government not consented to by this Department, or **(2)** who fails to deposit or report such gift to the Office of International Affairs, OS. The court in which such

action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus \$5,000. Cases in which there exists evidence of failure of an employee to comply with the deposit and reporting requirements of this chapter will be referred to the Inspector General for review and action.

- I. Purchase of Gifts for Foreign Individuals. No HHS office can use appropriated funds to purchase a tangible gift of more than minimal value for a foreign individual unless the Congress has approved such purchase.

20-25-30 PROCEDURES FOR REPORTING FOREIGN GIFTS

- A. **For** Tangible Gifts of **More Than Minimal Value.** When an employee deposits a tangible gift **of** more than minimal value for disposal or for official use pursuant to Paragraph **20-25-20D**, the employee shall file a statement with the Office of International Affairs, OS, containing the following information:
 1. the name and title of the employee;
 2. a brief description of the gift and the circumstances justifying acceptance;
 3. the identity, if known, of the foreign government and the name and title of the individual who presented the gift;
 4. the date of acceptance of the gift: and
 5. the estimated retail value in the United States of the gift at the time of acceptance.
- B. **For** Gifts of Travel or Travel Expenses. Within 30 days after accepting travel or travel expenses as provided in Paragraph 20-25-203, unless acceptance of such travel or travel expenses is approved in advance in accordance with the provisions of Chapter 1-70, **HHS** Travel Manual, the employee shall file a statement with the Office of International Affairs, OS, containing the following information:
 1. the name and title of the employee;
 2. a brief description of the gift and the circumstances justifying acceptance: and

3. the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

C. For Decorations. Employees who are to receive decorations, or who receive them without advance knowledge, shall request permission to accept, retain, and wear such decoration from the Assistant Secretary for Management and Budget, through the Office of International Affairs, OS. The request must contain the following information:

1. the name and title of the employee;
2. the title of the decoration;
3. the exact wording of the citation: and
4. the circumstances under which the decoration is to be received (or was accepted).

20-25-40 ANNUAL REPORT TO THE SECRETARY OF STATE

Not later than January 31 of each year, the Office of International Affairs, OS, will compile a listing of all statements filed during the preceding year by HHS employees pursuant to this chapter and shall send such listing to the Secretary for State, who is required by law to make an annual U.S. Government report to Congress.